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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,947	09/29/2006	Tadamasa Tsushima	074418-0155	5765

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FOLEY AND LARDNER LLP
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WASHINGTON, DC 20007

EXAMINER

FREEDMAN, LAURA

ART UNIT	PAPER NUMBER
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3616

MAIL DATE	DELIVERY MODE
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12/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/594,947		TSUSHIMA, TADAMASA	
	Examiner		Art Unit	
	LAURA FREEDMAN		3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 4-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/8/08; 9/13/07 9/29/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species I, figures 1-4, in the reply filed on 05 November 2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 4-19 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

Claim Objections

3. Claim 3 is objected to because it appears Applicant intended for "said stepper face" to be changed to --said *stopper* face-- (line 5). Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hein et al. (US 2002/0100243) in view of Schmieder et al. (US 6,391,470). Hein et al. disclose a steering support member structure (for example, as can be seen in figure 1) comprising:
 - Steering support member body (for example, including #10) configured to be arranged substantially in a vehicle width direction (for example, including direction "x") inside a front portion of a vehicle interior (for example, including under an instrument panel)

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- The steering support member body being divided into a first member (for example, including #14) having a driver seat side portion (for example, including left portion of #14 in figure 1) and a central portion (for example, including right portion of #14 in figure 1), and a second member (for example, including #16) having a front passenger seat side portion (for example, including some portion of #16, or #16 in its entirety)
- Dividing portion (for example, including portion where #14 connects to #16) of the steering support member body is provided with a connecting portion (for example, including #20) comprising a box-shaped insertion portion (for example, including #22) and a receiving portion (for example, including receiving portion formed within walls #17 of second member #16) into which the insertion portion is to be engaged substantially in the vehicle width direction (for example, can be seen in figures 1, 2)
- The receiving portion comprises a stopper face (for example, including surface #16 abuts at its outer end, such as end cap, pillar, door, or similar component) at a deep portion thereof
- The stopper face being configured to restrict an engaged amount of the insertion portion (for example, the surface #16 abuts at its outer end, such as end cap, pillar, door, or similar component, would restrict an engaged amount of the insertion portion #22)
- The insertion portion comprises a stepped portion (for example, including frame #30) lockable (for example, frame #30 prevents movement of #22 within #16 beyond the extent where edge of #16 would abut a surface of #30; can be seen in figures 1, 2) at an inlet portion (for example, including portion of #16 that initially receives #22, as shown in figure 2) of the receiving portion in a fitting direction (for example, including direction "x")
- The stopper face and the stepped portion enable insertion fitting (including paragraphs 001-008, 0022-0026).

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While examiner has pointed out a first embodiment of Hein et al. ('243) above, other embodiments may also read on Applicant's claimed invention.

Hein et al. disclose the connecting portion (for example, including #20) being made of a light alloy (including Abstract, paragraph 0025). However, Hein et al. do not specifically disclose the steering support member body being constituted by a light alloy. Schmieder et al. teach a steering support member structure (for example, as can be seen in figures 1, 8) comprising a steering support member body (for example, including #10, 80-86) constituted by a light alloy (including middle of column 3, column 8, and claims). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the steering support member body to be constituted by a light alloy, as taught by Schmieder et al., so as to make the body from a lightweight, inexpensive material (Schmieder et al.: including middle of column 3, column 8). Further, it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as matter of obvious design choice, and would yield predictable results.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sugawara, Tanaka et al., Reddig et al., Matsutani, and Matsuzaki et al. disclose a steering support member structure for a vehicle. Panoz discloses a frame member connecting portion including receiving and insertion portions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAURA FREEDMAN whose telephone number is (571) 272-2442. The examiner can normally be reached on Monday-Friday, 8:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Nguyen can be reached on (571) 272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Q. Nguyen/
Supervisory Patent Examiner, Art Unit 3616

Laura Freedman
Examiner
Art Unit 3616